

PH

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Christopher H. Lizak,

Plaintiff,

v.

Medical Recovery Specialists, Inc., an  
Illinois corporation,

Defendant.

**FILED**  
NOV 03 2006  
NOV 03, 2006

MICHAEL W. DOBBS No.  
CLERK, U.S. DISTRICT COURT

06CV6031

JUDGE LEFKOW  
MAGISTRATE JUDGE KEYS

Jury Demanded

**COMPLAINT**

Plaintiff, Christopher H. Lizak, brings this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), for a declaration that Defendant's debt collection practices violate the FDCPA, and to recover damages for Defendant's violation of the FDCPA, and alleges:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to § 1692k(d) of the FDCPA, and 28 U.S.C. § 1331.
2. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant resides and transacts business here.

**PARTIES**

3. Plaintiff, Christopher H. Lizak ("Lizak"), is a citizen of the State of Illinois, residing in the Northern District of Illinois, from whom Defendant attempted to collect a delinquent consumer debt allegedly owed to St. Anthony Hospital.
4. Defendant, Medical Recovery Specialists, Inc. ("MRS"), is an Illinois corporation that acts as a debt collector, as defined by § 1692a of the FDCPA, because

it regularly uses the mails and/or the telephone to collect, or attempt to collect, delinquent consumer debts, including delinquent consumer debts in the Northern District of Illinois, and was acting as a debt collector as to the delinquent consumer debt it attempted to collect from Plaintiff.

### **FACTUAL ALLEGATIONS**

5. On July 28, 2006, Mr. Lizak filed a Chapter 7 bankruptcy petition in a matter styled In re: Lizak, N.D. Ill. Bankr. No. 06-09091. Among the debts listed on Schedule E of Mr. Lizak's bankruptcy petition was the debt he allegedly owed to St. Anthony Hospital, see, excerpt of bankruptcy petition attached as Exhibit A. On August 2, 2006, both St. Anthony Hospital and MRS were sent notice of the bankruptcy by the court, see, the Certificate of Service to the Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadlines which is attached as Exhibit B.

6. Nonetheless, during the week of August 14, 2006, one of Defendant MRS's debt collectors called Mr. Lizak to demand payment of the debt he had owed to St. Anthony Hospital. Mr. Lizak advised MRS's debt collector that he was represented by an attorney and had filed for bankruptcy. MRS's debt collector told Mr. Lizak that MRS did not have any bankruptcy information and told Mr. Lizak that she would be sending him a letter and abruptly ended the telephone call.

7. Thereafter, on August 28, 2006, despite Mr. Lizak advising MRS's debt collector that he filed for bankruptcy, Defendant MRS sent Mr. Lizak a form debt collection letter that demanded payment of the debt he had owed to St. Anthony Hospital, which letter is attached as Exhibit C.

8. All of MRS's collection actions at issue in this matter occurred within one year of the date of this Complaint and are to be interpreted under the "unsophisticated consumer" standard. See, Bartlett v. Heibl, 128 F.3d 497, 500 (7th Cir. 1997); Chauncey v. JDR, 118 F.3d 516, 519 (7th Cir. 1997); Avila v. Rubin, 84 F.3d 222, 226 (7th Cir. 1996); and, Gammon v. GC Services, Ltd. Partnership, 27 F.3d 1254, 1257 (7th Cir. 1994).

**COUNT I**  
**Violation Of § 1692e Of The FDCPA --**  
**Demanding Payment Of A Debt That Is Not Owed**

9. Plaintiff adopts and realleges ¶¶ 1-8.

10. Section 1692e of the FDCPA prohibits a debt collector from using any false, deceptive or misleading representation or means in connection with the collection of a debt, including, but not limited to, the false representation of the character, amount or legal status of any debt, see 15 U.S.C. § 1692e(2)(A).

11. Attempting to collect a debt that is not owed, due to a bankruptcy, is false, deceptive or misleading, in violation of § 1692e of the FDCPA. Randolph v. IMBS, Inc., 368 F3d 726, 728-730 (7th Cir. 2004).

12. By calling Mr. Lizak, and then sending Mr. Lizak a debt collection letter (Exhibit C), after having received direct notice of his bankruptcy, Defendant violated § 1692e of the FDCPA.

13. Defendant's violation of § 1692e of the FDCPA renders it liable for statutory damages, costs, and reasonable attorneys' fees. See, 15 U.S.C. § 1692k.

**COUNT II**  
**Violation Of § 1692c(a)(2) Of The FDCPA –**  
**Communicating With A Consumer Represented By Counsel**

14. Plaintiff adopts and realleges ¶¶ 1-8.

15. Section 1692c(a)(2) prohibits a debt collector from communicating with a consumer if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address.

16. Defendant MRS, and the creditor, St. Anthony Hospital, were given direct written notice, through Plaintiff's bankruptcy, that Plaintiff was represented by an attorney in connection with his debts. Defendant MRS was also given direct notice, by Mr. Lizak during the telephone call in the week of August 14, 2006, that he was represented by an attorney in connection with his debts. Moreover, Plaintiff's bankruptcy was a matter of public record in the files of the bankruptcy court and was listed on his credit report. By directly calling Mr. Lizak, and sending Mr. Lizak the collection letter (Exhibit C), despite notice that he was represented by bankruptcy counsel in connection with his debts, Defendant violated § 1692c(a)(2) of the FDCPA.

17. Defendant's violation of § 1692c(a)(2) of the FDCPA renders it liable for statutory damages, costs, and reasonable attorneys' fees. See, 15 U.S.C. § 1692k.

**PRAYER FOR RELIEF**

Plaintiff, Christopher H. Lizak, prays that this Court:

1. Declare that Defendant's debt collection practices violated the FDCPA;

2. Enter judgment in favor of Plaintiff Lizak, and against Defendant, for statutory damages, costs, and reasonable attorneys' fees as provided by § 1692k(a) of the FDCPA; and,

3. Grant such further relief as deemed just.

**JURY DEMAND**

Plaintiff, Christopher H. Lizak, demands trial by jury.

Christopher H. Lizak,

By:   
One of Plaintiff's Attorneys

Dated: November 3, 2006

David J. Philipps  
Mary E. Philipps  
Bonnie C. Dragotto  
Gomolinski & Philipps, Ltd.  
9760 S. Roberts Road  
Suite One  
Palos Hills, Illinois 60465  
(708) 974-2900  
(708) 974-2907 (FAX)

(Official Form 1) (10/05)

United States Bankruptcy Court Northern District of Illinois				Voluntary Petition																					
Name of Debtor (if individual, enter Last, First, Middle): <b>Lizak, Christopher H.</b>			Name of Joint Debtor (Spouse) (Last, First, Middle):																						
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):																						
Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all): [REDACTED]			Last four digits of Soc. Sec./Complete EIN or other Tax ID No. (if more than one, state all):																						
Street Address of Debtor (No. & Street, City, and State): [REDACTED] IL ZIP Code: [REDACTED]			Street Address of Joint Debtor (No. & Street, City, and State): ZIP Code:																						
County of Residence or of the Principal Place of Business: <b>Cook</b>			County of Residence or of the Principal Place of Business:																						
Mailing Address of Debtor (if different from street address): ZIP Code:			Mailing Address of Joint Debtor (if different from street address): ZIP Code:																						
Location of Principal Assets of Business Debtor (if different from street address above):																									
<b>Type of Debtor (Form of Organization)</b> (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and provide the information requested below.) State type of entity:		<b>Nature of Business</b> (Check all applicable boxes.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Nonprofit Organization qualified under 26 U.S.C. § 501(c)(3)		<b>Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)</b> <input checked="" type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding <input type="checkbox"/> Chapter 13																					
<b>Filing Fee (Check one box)</b> <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		<b>Nature of Debts (Check one box)</b> <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business																							
<b>Chapter 11 Debtors</b> Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts owed to non-insiders or affiliates are less than \$2 million.					THIS SPACE IS FOR COURT USE ONLY																				
<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.																									
<b>Estimated Number of Creditors</b> <table style="width: 100%; text-align: center;"> <tr> <td>1-49</td> <td>50-99</td> <td>100-199</td> <td>200-999</td> <td>1000-5,000</td> <td>5001-10,000</td> <td>10,001-25,000</td> <td>25,001-50,000</td> <td>50,001-100,000</td> <td>OVER 100,000</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>						1-49	50-99	100-199	200-999	1000-5,000	5001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1-49	50-99	100-199	200-999	1000-5,000		5001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000															
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
<b>Estimated Assets</b> <table style="width: 100%; text-align: center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>					\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million																		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
<b>Estimated Debts</b> <table style="width: 100%; text-align: center;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 million</td> <td>\$1,000,001 to \$10 million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>More than \$100 million</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>					\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million																		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		

EXHIBIT

A

## Voluntary Petition

*(This page must be completed and filed in every case)*

Name of Debtor(s):  
**Lizak, Chrlistopher H.**

**Prior Bankruptcy Case Filed Within Last 8 Years (If more than one, attach additional sheet)**

Where Filed: - None -

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:  
- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

## Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

## Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

1, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

I further certify that I delivered to the debtor the notice required by §342(b) of the Bankruptcy Code.

**X** /s/ Stuart B. Handelman July 28, 2006  
Signature of Attorney for Debtor(s) Date  
**Stuart B. Handelman**

## Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

■ No

### Certification Concerning Debt Counseling by Individual/Joint Debtor(s)

☒ If we have received approved budget and credit counseling during the 180-day period preceding the filing of this petition.

☐ I/we request a waiver of the requirement to obtain budget and credit counseling prior to filing based on exigent circumstances. (Must attach certification describing.)

**Information Regarding the Debtor (Check the Applicable Boxes)**

**Venue** (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

### Statement by a Debtor Who Resides as a Tenant of Residential Property

Check all applicable boxes.

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

(Official Form 1) (10/05)

FORM B1, Page 3

**Voluntary Petition***(This page must be completed and filed in every case)*Name of Debtor(s):  
**Lizak, Christopher H.****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by §342(b) of the Bankruptcy Code.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** /s/ Christopher H. LizakSignature of Debtor **Christopher H. Lizak****X** \_\_\_\_\_

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

July 28, 2006

Date

**Signature of Attorney****X** /s/ Stuart B. Handelman

Signature of Attorney for Debtor(s)

Stuart B. Handelman 6195779

Printed Name of Attorney for Debtor(s)

The Law Offices of Stuart B. Handelman, P.C.

Firm Name

332 S. Michigan Avenue, Suite 1020  
Chicago, IL 60604

Address

Email: shandelman@sbhpc.net(312) 360-0500 Fax: (312) 360-1033

Telephone Number

July 28, 2006

Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** \_\_\_\_\_

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by §1515 of title 11 are attached.

☐ Pursuant to §1511 of title 11, United States Code, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X** \_\_\_\_\_

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

**X** \_\_\_\_\_

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.*



Form B01 - Cont.  
(10/05)In re Christopher H. Lizak

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R R	Husband, Wife, Joint, or Community  DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. [REDACTED]  Marshall Fields 111 Boulder Industrial Bridgton, MO 63044	-	Credit Card				944.00
Account No. [REDACTED]  Providian 4940 Johnson Drive Pleasanton, CA 94566	-	Credit card				2,734.00
Account No. [REDACTED]  Representing: Providian	-	Alliance One Receivables Management, Inc. 1160 Centre Pointe Drive, Suite 1 Mendota Heights, MN 55120				
Account No. [REDACTED]  St. Anthony's Hospital 620 W. Schubert Chicago, IL 60614	-	Medical Bills				490.00
Account No. [REDACTED]  Representing: St. Anthony's Hospital	-	Medical Recovery Specialists 2200 E. Devon Ave., Ste 288 Des Plaines, IL 60018-4519				
Sheet no. <u>11</u> of <u>12</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page) <b>4,168.00</b>

FORM B9A (Chapter 7 Individual or Joint Debtor No Asset Case) (10/05)

Case Number 06-09091

**UNITED STATES BANKRUPTCY COURT**  
Northern District of Illinois

**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on July 28, 2006.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. **NOTE:** The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations.**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Christopher H. Lizak

██████████ IL ██████████

Case Number:  
06-09091

Social Security/Taxpayer ID/Employer ID/Other Nos.:  
██████████

Attorney for Debtor(s) (name and address):

Stuart B Handelman  
Law Offices Of Stuart B Handelman P C  
332 S Michigan Ave Ste 1020  
Chicago, IL 60604  
Telephone number: 312 360-0500 Ext. 14

Bankruptcy Trustee (name and address):

Allan J DeMars  
Spiegel & Demars  
100 W Monroe St Ste 910  
Chicago, IL 60603  
Telephone number: 312 726-3377

**Meeting of Creditors:**

Date: August 23, 2006

Time: 02:30 PM

Location: 227 W Monroe Street, Room 3360, Chicago, IL 60606

**All debtors are required to attend and bring a picture ID and proof of their Social Security Number to the 341 meeting.**

**Presumption of Abuse under 11 U.S.C. § 707(b)**

*See "Presumption of Abuse" on reverse side.*

**The presumption of abuse does not arise.**

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts: October 23, 2006**

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Foreign Creditors**

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

Eastern Division  
219 S Dearborn  
7th Floor  
Chicago, IL 60604  
Telephone number: 1-888-232-6814

**For the Court:**

Clerk of the Bankruptcy Court:  
Kenneth S. Gardner

Hours Open: Monday - Friday 9:00 AM - 4:30 PM

Date: July 31, 2006

**EXHIBIT**

**B**

## EXPLANATIONS

FORM B9A (10/05)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. If this notice is mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	The debtor is seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code §727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code §523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint Objecting to Discharge of the Debtor or to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objections by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Foreign Creditors	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	

**BAE SYSTEMS**

Bankruptcy Noticing Center  
2525 Network Place, 3rd Floor  
Herndon, Virginia 20171-3514

**CERTIFICATE OF SERVICE**

District/off: 0752-1  
Case: 06-09091

User: terrir  
Form ID: b9a

Page 1 of 2  
Total Served: 62

Date Rcvd: Jul 31, 2006

The following entities were served by first class mail on Aug 02, 2006.

db +Christopher H. Lizak, [REDACTED], IL [REDACTED]  
aty +Stuart B Handelman, Law Offices Of Stuart B Handelman P C, 332 S Michigan Ave Ste 1020,  
Chicago, IL 60604-4414  
tr +Allan J DeMars, Spiegel & Demars, 100 W Monroe St Ste 910, Chicago, IL 60603-1957  
10842134 +American Express, c/o Law Offices of Mitchell N. Kay, 7 Penn Plaza-18th Floor,  
New York, NY 10001-3967  
10842132 +American Express, c/o Law Offices of Mitchell N. Kay, 11 S. LaSalle Street, Suite 1900,  
Chicago, IL 60603-1300  
10842123 +American Express, c/o GC Services, 6330 Gulfton, Houston, TX 77081-1108  
10842133 +American Express, c/o Law Offices of Mitchell N. Kay, P.O. Box 2374, Chicago, IL 60690-2374  
10842141 +American Express, c/o Nationwide Credit, Inc., 4740 N. State Road 7, Ste 108,  
Ft. Lauderdale, FL 33119-5839  
10842142 +American Express, c/o Nationwide Credit, Inc., 3600 E. University Drive, Suite A-1450,  
Phoenix, AZ 85034-7245  
10842129 +Aspire Visa, c/o Law Offices of, Gerald E. Moore & Associates, P.O. Box 724087,  
Atlanta, GA 31139-1087  
10842139 +Aspire Visa, c/o Midland Credit Management, P.O. Box 939019, San Diego, CA 92193-9019  
10842106 +Aspire Visa, P.O. Box 105555, Atlanta, GA 30348-5555  
10842110 Banco Popular North America, Cardmember Services, P.O. Box 21550, Tulsa, OK 74121-1550  
10842108 +Banco Popular North America, c/o Atlantic Credit & Finance, Inc. P.O. Box 13386,  
Roanoke, VA 24033-3386  
10842105 Capital One Bank, c/o Arrow Financial Service LLC, 5996 W. Touhy Avenue,  
Niles, IL 60714-4610  
10842101 +Capital One Bank, c/o Alliance One Receivables, Management, Inc.,  
1160 Centre Pointe Drive, Suite 1, Mendota Heights, MN 55120-1270  
10842130 +Capital One Bank, c/o Law Offices of, Gerald E. Moore & Associates, P.O. Box 724087,  
Atlanta, GA 31139-1087  
10842120 Capital One Bank, c/o Encore Receivable Management, 400 Rogers N Road, P.O. Box 3330,  
Olathe, KS 66063-3330  
10842111 +Capital One Bank, c/o Blatt, Hasenmiller, Leisker &, Moore LLC,  
125 S. Wacker Drive, Suite 400, Chicago, IL 60606-4440  
10842153 +Capital One Bank, c/o Van Ru Credit Corporation, 1350 E. Touhy Ave., Suite 300 E,  
Des Plaines, IL 60018-3303  
10842154 Capital One Bank, c/o Van Ru Credit Corporation, 10024 Skokie Blvd/PO Box 1109,  
Skokie, IL 60077-1109  
10842156 +Capital One Bank, c/o Viking Collection Service, Inc, P.O. Box 59207,  
Minneapolis, MN 55459-0207  
10842155 +Capital One Bank, c/o Viking Collection Service, Inc, 7500 Office Ridge Circle, Suite 100,  
Eden Prairie, MN 55344-3783  
10842122 +Card Service Center, c/o FNBO/C, 101 Woodbury Park West, Woodbury, NY 11797-1400  
10842147 +Card Service Center, c/o Simm Associates, Inc., 200 Riddle Avenue, Suite 200,  
Newark, DE 19702-3966  
10842145 +Card Service Center, c/o Presidio/CM, 101 Crossway Park West, Woodbury, NY 11797-2020  
10842113 Card Service Center, P.O. Box 5877, Hicksville, NY 11802-5877  
10842115 +Citi Card, P.O. Box 6000, The Lakes, NV 89163-0001  
10842152 +Citi Card, c/o United Recovery Systems, Inc., 5800 N. Course Drive, Houston, TX 77072-1613  
10842143 +Citi Card, c/o NCO Financial Systems, Inc., 507 Prudential Road, Horsham, PA 19044-2308  
10842150 +Citi Card, c/o United Collection Bureau, Inc., 5620 Southwyck Blvd., STE 206,  
Toledo, OH 43614-1501  
10842116 +Citi Cards, P.O. Box 20424, Kansas City, MO 64195-0424  
10842140 +Citi Cards, c/o National Financial Systems, In, 600 W. John Street, P.O. Box 9046,  
Hicksville, NY 11802-9046  
10842107 Citi Cards, c/o Associated Recovery Systems, P.O. Box 469046, Escondido, CA 92046-9046  
10842100 Citi Cards, c/o Academy Collection Service Inc, 10965 Decatur Road,  
Philadelphia, PA 19154-3210  
10842117 +Direct Merchants Bank, Payment Center, P.O. Box 43730, Nottingham, MD 21236-0730  
10842109 +Discover Card, c/o Baker, Miller, Markoff & Kravny, 29 N. Wacker Dr., 5th floor,  
Chicago, IL 60606-2840  
10842158 +First Premier Bank, c/o Wolpoff & Abramson, L.L.P., Two Irving Centre,  
702 King Farm Boulevard, Rockville, MD 20850-5774  
10842125 +HSBC - Carson, 140 W. Industrial Drive, Elmhurst, IL 60126-1602  
10842127 HSBC Card Services, P.O. Box 80084, Salinas, CA 93912-0084  
10842126 +HSBC Card Services, P.O. Box 98711, Las Vegas, NV 89193-9711  
10842144 HSBC Card Services, c/o OSI Collections Services, Inc., P.O. Box 952,  
Brookfield, WI 53008-0952  
10842124 Household Credit Services, P.O. Box 17051, Baltimore, MD 21297-1051  
10842131 +Household Credit Services, c/o Law Offices of, Gerald E. Moore & Associates, P.O. Box 724087,  
Atlanta, GA 31139-1087  
10842135 +Household Credit Services, c/o LDG Financial Services, LLC, 4553 Winters Chapel Road,  
Suite 200, Atlanta, GA 30360-2772  
10842136 +Macneal Emergency Physicians, 2368 Pysphere Circle, Chicago, IL 60674-0023  
10842151 +Macneal Emergency Physicians, c/o United Collection Bureau, Inc.,  
5620 Southwyck Blvd., STE 206, Toledo, OH 43614-1501  
10842137 +Marshall Fields, 111 Boulder Industrial, Bridgeton, MO 63044-1241  
10842102 +Providian, c/o Alliance One Receivables, Management, Inc., 1160 Centre Pointe Drive, Suite 1,  
Mendota Heights, MN 55120-1270  
10842148 +St. Anthony's Hospital, 620 W. Schubert, Chicago, IL 60614-1506  
10842138 +St. Anthony's Hospital, c/o Medical Recovery Specialists, 2200 E. Devon Ave., Ste 288,  
Des Plaines, IL 60018-4501  
10842143 +St. Louis Bank LLC, 4410 Pulaski Road, Chicago, IL 60632-4011  
10842104 Wells Fargo Card Services, c/o Apex Financial Management, LLC, P.O. Box 2189,  
Northbrook, IL 60065-2189  
10842157 +Wells Fargo Card Services, P.O. Box 3696, Portland, OR 97208-3696

District/Off: 0752-1  
Case: 06-09091

User: terrir  
Form ID: b9a

Page 2 of 2  
Total Served: 62

Date Rcvd: Jul 31, 2006

10842119 +eBay Inc., P.O. Box 2179, Carol Stream, IL 60132-0001  
10842128 +eBay Inc., c/o I.C. System, Inc., 444 Highway 96 East, Box 64437, St. Paul, MN 55127-2557

The following entities were served by electronic transmission on Jul 31, 2006 and receipt of the transmission was confirmed on:

10842103 EDI: AMEREXPR.COM Jul 31 2006 19:53:00 American Express, P.O. Box 360002,  
Ft. Lauderdale, FL 33336-0002  
10842112 +EDI: CAPITALONE.COM Jul 31 2006 19:53:00 Capital One Bank, P.O. Box 790216,  
Saint Louis, MO 63179-0216  
10842114 +EDI: CHASE.COM Jul 31 2006 19:53:00 Chase, 800 Brooksedge Blvd.,  
Westerville, OH 43081-2822  
10842118 +EDI: DISCOVER.COM Jul 31 2006 19:53:00 Discover Card, P.O. Box 8003,  
Hilliard, OH 43026-8003  
10842121 EDI: AMINFOFP.COM Jul 31 2006 19:52:00 First Premier Bank, P.O. Box 5147,  
Sioux Falls, SD 57117-5147  
10842127 EDI: HFC.COM Jul 31 2006 19:52:00 HSBC Card Services, P.O. Box 80084,  
Salinas, CA 93912-0084  
10842124 EDI: HFC.COM Jul 31 2006 19:52:00 Household Credit Services, P.O. Box 17051,  
Baltimore, MD 21297-1051  
10842137 +EDI: MAYSTORES.COM Jul 31 2006 19:53:00 Marshall Fields, 111 Boulder Industrial,  
Bridgeton, MO 63044-1241  
10842146 +EDI: PROVID.COM Jul 31 2006 19:52:00 Providian, 4940 Johnson Drive,  
Pleasanton, CA 94588-3308  
10842157 +EDI: WFFC.COM Jul 31 2006 19:52:00 Wells Fargo Card Services, P.O. Box 3696,  
Portland, OR 97208-3696

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 02, 2006

Signature: \_\_\_\_\_

*Joseph Speetjens*

2250 East Devon, Suite 352  
Des Plaines, Illinois 60018

**Medical Recovery Specialists, Inc.**  
2250 East Devon Avenue, Suite 352  
Des Plaines, IL 60018

August 28, 2006

MRS File Number: [REDACTED]  
Amount Due: \$490.00

For your convenience, you may pay by *Visa or MasterCard*.  
Please indicate your credit card preference, provide the  
account information, and sign below.

CHRISTOPHER LIZAK  
[REDACTED]  
[REDACTED] IL [REDACTED]

☐ Visa ☐ MasterCard

Card #: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_  
Signature: \_\_\_\_\_

RE: Patient: CHRISTOPHER LIZAK  
Creditor: ST. ANTHONY HOSPITAL  
MRS File Number: [REDACTED]  
Account Number: [REDACTED]  
Date(s) of Service: 05/30/03-05/30/03  
Amount: \$490.00

## DEMAND FOR PAYMENT

Our records indicate that you have ignored previous requests for payment. At this time, we will be forced to advise our client of your failure to cooperate, unless you ***take immediate action to resolve this debt.***

To assure proper credit to your account, please put the MRS File Number on your ***check or money order*** and mail in the enclosed envelope today.

For all questions or to ***pay by phone***, contact the number listed below.

Medical Recovery Specialists, Inc.  
**Susana Roman**  
(847) 227-2103

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Si usted habla espanol y necesitas hablar con alguien de  
su idioma favor de llamar el siguiente numero de telefono.

C3

